

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

KATHRYN LEMME COHOON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:07CV1316 HEA
	)	
SCENIC NURSING & REHABILITATION )	)	
CENTER, LLC,	)	
	)	
Defendant.	)	

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiff's Motion to Remand, [Doc. No. 4], Defendant opposes the motion. For the reasons set forth below, the Motion to Remand is denied without prejudice to refileing.

Defendant removed this matter from the 23rd Judicial Circuit Court of Missouri, based on the Court's diversity of citizenship jurisdiction. 28 U.S.C. § 1332. Defendant's removal was premised on Plaintiff's request for lost income and benefits of employment and her claims of emotional pain, suffering, humiliation, anxiety, inconvenience, mental anguish and loss of enjoyment of life. Plaintiff seeks both compensatory and punitive damages.

Plaintiff now seeks remand because she contends that her damages do not exceed \$75,000.00, the jurisdictional amount in controversy requirement of Section 1332. Plaintiff has not indicated the exact amount that she seeks to recover from

Defendant, but in the prayer for relief, she requests actual damages, compensatory damages, punitive damages, prejudgment interest, and attorney's fees and costs.

The Court agrees that at this point, Plaintiff's allegations are too vague and uncertain for the Court and defendant to ascertain whether plaintiff is in fact binding herself to an amount below this Court's jurisdictional threshold. As plaintiff has not entered into a binding stipulation that the amount in controversy does not and will not exceed this Court's jurisdictional amount in controversy, the Court is of the opinion that jurisdiction exists over this controversy. Plaintiff's allegations as to the amount in controversy, do not firmly establish that the amount is not in excess of \$75,000.00. As such, defendant properly removed this matter.

Accordingly, if Plaintiff wishes to file an irrevocable certification, binding her in this and any other court, that she will not seek nor accept an amount greater than \$75,000.00, the Court will entertain a renewed motion to remand. Until such time as an irrevocable certification is filed, this Court has diversity jurisdiction over this matter.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's Motion to Remand, [Doc. No.

4], is denied.

Dated this 6th day of September, 2007.

A handwritten signature in cursive script, reading "Henry Edward Autrey", positioned above a horizontal line.

HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE